

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley, <i>Co-Chair</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Paul J. Hanly, Jr., <i>Co-Liaison Counsel</i> HANLY CONROY BIERSTEIN SHERIDAN FISHER & HAYES LLP	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

Via Facsimile

September 4, 2015

The Honorable Frank Maas
 United States District Court
 Southern District of New York
 Daniel Patrick Moynihan U.S. Courthouse
 500 Pearl Street, Room 740
 New York, NY 10007

MEMO ENDORSEDRe: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (FM)

Dear Judge Maas:

On behalf of the Plaintiffs' Executive Committees and at the request of counsel for defendants Sana-Bell, Inc. and Sanabel al Kheer, Inc. (collectively, the "Sanabel Defendants"), we write to request an extension of the deadline to submit Plaintiffs' motions to compel as to the Sanabel Defendants, currently set for September 14, 2015. *See* August 13, 2015 Endorsement (ECF No. 2997). Plaintiffs request that the deadline be adjusted to a date after the completion of the noticed 30(b)(6) deposition of the Sanabel Defendants. Under the circumstances explained below, the Sanabel Defendants have proposed that the deadline for filing the motion be extended 60 days, to November 13, 2015.

Based in part on comments by Your Honor during a hearing concerning the Sanabel Defendants, Plaintiffs noticed a Rule 30(b)(6) deposition of the Sanabel Defendants, scheduled to take place on Wednesday, September 9, 2015. Upon receipt of the notice, counsel for the Sanabel Defendants, Christopher Manning, advised Plaintiffs' counsel that he would need additional time to locate, confer with, and prepare his client/witness. Mr. Manning advised that the Sanabel Defendants have only a single representative for the companies (Dr. Hillali), Mr. Manning has not spoken to Dr. Hillali for several months, and the last time Mr. Manning spoke with Dr. Hillali, Dr. Hillali was in poor health. Presently, Mr. Manning is not aware of the status of Dr. Hillali's health or even if Dr. Hillali remains in the United States at the present time. Mr. Manning has indicated that, although he has employed virtually all modes of modern communication to reach Dr. Hillali since receiving the deposition notice (including, telephone calls, text messages, emails, letters, contacting known acquaintances, and visiting Dr. Hillali's last known address), he has been unsuccessful. Mr. Manning has represented that he will continue his efforts to reach Dr. Hillali.

Based on the representations of Mr. Manning, Plaintiffs have agreed to Mr. Manning's proposal to adjourn the scheduled deposition for a period of time to allow Mr. Manning to find and prepare his client,

The Honorable Frank Maas
September 4, 2015
Page 2

provided the deadline for Plaintiffs to file their motion against the Sanabel Defendants is adjourned to permit the deposition to occur before the motion deadline. Mr. Manning has proposed that the deadline be adjourned for 60 days, until November 13, 2015. Plaintiffs are amenable to that extension to allow Mr. Manning to reach and prepare his client,¹ but also recommend that Mr. Manning be obligated to use good faith best efforts to locate and prepare Dr. Hillali (or some other appropriate 30(b)(6) witness) before October 15, 2015 and provide a written status report of his efforts by October 15, 2015. The parties are also in agreement that the Sanabel Defendants' response will be due three weeks after service of the motion, and Plaintiffs' reply will be due one week after service of any response.

So
ordered
Hefele,
USM,
9/10/15

The parties thank Your Honor in advance for the Court's continued attention to the parties' requests.

Respectfully submitted,



Robert T. Haeefe
THE MDL 1570 PLAINTIFFS' EXECUTIVE
COMMITTEES

cc: The Honorable George B. Daniels (via USPS)
Christopher C.S. Manning, Esq. – counsel for Sana-Bell, Inc. and Sanabel al Kheer, Inc. (via email)
MDL-1570 Counsel of Record (via email)

¹ Mr. Manning has also indicated that, until he has spoken to his client, he cannot indicate whether he will file a motion under Rule 26 seeking to quash the Rule 30(b)(6) notice of deposition. Accordingly, he has asked to preserve that choice until he has had an opportunity to confer with his client.